

04-05-01

A

66417-1/AJT/MSS/JWC

CERTIFICATE UNDER 37 CFR 1.10
EXPRESS MAIL LABEL: EL 527 869 774 US
DEPOSITED: April 3, 2001

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service in an envelope as "Express Mail" addressed to the Box Patent Application; Assistant Commissioner for Patents, Washington, DC 20231.

Signed: *John W. Crosby*
John W. Crosby

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
WEHRUNG, et al.

Examiner: **To be assigned**

Serial No.: **To be assigned**

Group Art Unit: **To be assigned**

Filing Date: **To be assigned**

For: **Distributed Control System
Architecture and Method for a
Material Transport System**

NEW APPLICATION TRANSMITTAL
(37 C.F.R. § 1.53(b)(1))

Box PATENT APPLICATION FEE
Assistant Commissioner for Patents
Washington, DC 20231

Sir:

- This is a request for filing a
- ☐ Original
 - ☒ Continuation
 - ☐ Divisional
 - ☐ Continuation-in-part

application under 37 C.F.R. 1.53(b), in the name of Brian WEHRUNG, and Clifford HOLDEN for:

***DISTRIBUTED CONTROL SYSTEM ARCHITECTURE AND METHOD
FOR A MATERIAL TRANSPORT SYSTEM***

This application is a continuation of U.S. Patent Application Serial No. 09/212,002 filed December 14, 1998.

04/03/01
31031 U.S. PTO

31017 U.S. PTO
09/825619
04/03/01

3/A
C. R. R. R.
6-101

2. **Benefit of Prior U.S. Application(s)** (35 U.S.C. 119(e), 120, or 121)

[xx] Enclosed is a copy of the prior application as originally filed.

[xx] Priority application claims priority to pending application(s) Serial No(s). *This application is a continuation of U.S. Patent Application Serial No. 09/212,002 filed December 14, 1998.*[] the certified copy has been filed in prior application, Serial No. 0 /, filed on .3. **Papers enclosed:**A. Required for filing date under 37 C.F.R. § 1.53(b) (Regular) or 37 C.F.R. §1.53 (Design) Application.

[xx] Enclosed is a new application.

108 Pages of specification9 Pages of claims50 Sheets of drawings

[XX] formal

[] informal

1 Page of abstractB. Other papers enclosed

[xx] Enclosed is a copy of the prior executed Declaration as originally filed;

[] Enclosed is a copy of the prior executed Revocation and Substitution of Power of Attorney by Assignee.

4. **Additional papers enclosed**

[xx] Amendment to claims

[xx] Cancel in this application original claim(s) 12-18 before calculating the filing fee. (At least one original independent claim must be retained for filing purposes).

[] Add the claims shown on the attached amendment. (Claims added have been numbered consecutively following the highest numbered original claims).

[xx] Amendment to Specification.

[xx] Amend the specification by inserting before the first line the sentence:

~~---This application is a continuation of U.S. Patent Application Serial No. 09/212,002 filed December 14, 1998.~~

[xx] A Preliminary Amendment is attached.

[xx] Information Disclosure Statement (37 C.F.R. 1.98) with Form PTO-1449

[xx] No fee is required.

[] Fee regarding Information Disclosure Statement:

[] Fee Under 37 CFR 1.17(p) \$240.00

[] Petition Fee Under 37 CFR 1.17(i) \$130.00

Total Information Disclosure Statement Fee:**\$ 0**

- ☐ Authorization of Attorney(s) to Accept and Follow Instructions from Representative.
- ☐ Special Comments: _____
- ☐ Other: _____

5. **Declaration or oath (including power of attorney)**

- ☒ Enclosed
- Executed by
- ☒ inventor(s)
- ☐ legal representative of inventor(s)
- ☐ Joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.
- ☐ This is the petition required by 37 C.F.R. 1.47 and the statement required by 37 C.F.R. 1.47 is also attached.
- ☐ Not enclosed.
- ☐ Application is made by a person authorized under 37 C.F.R. 1.41(c) on behalf of *all* the above named inventor(s).
- ☐ A Power of Attorney by Assignee is enclosed.
- ☒ The Power of Attorney in the prior application is to:
- Name: FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP
- Address: Four Embarcadero Center, Suite 3400
- San Francisco, California 94111
- ☒ The power appears in the original papers in the prior application, a copy of the power in the prior application is enclosed.
- ☐ Since the power does not appear in the original papers, a copy of the power in the prior applications is enclosed.

6. **Inventorship Statement**

The Inventorship for all the claims in this application are:

- ☒ the same inventors named in the prior application.
- ☐ inventors fewer than all the inventors named in the prior application.
- ☐ please delete the following name(s) as inventor(s): _____
- ☐ Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,
- ☐ is submitted.
- ☐ will be submitted.

7. **Language**

- ☒ English
- ☐ Non English
- ☐ The attached translation includes a statement that the translation is accurate. 37 C.F.R. 1.52(d).

8. Assignment

- ☐ An executed assignment of the invention to: _____
☐ is attached. A separate ☐ "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" OR ☐ FORM PTO 1595 is also attached.
☐ will follow.
- ☒ The prior application is assigned of record to Palo Alto Technologies, Inc.
 A copy of the original recorded Assignment with Notice of Recordation of Assignment Document is enclosed.
- ☐ A copy of the Change of Name in recorded Assignment is enclosed.

9. Extension of time

- ☐ The term for response or taking action in the prior application expires on _____
- ☐ An extension of time in the prior application is:
☐ filed concurrently in the prior application.
☐ has been filed on _____.
- ☐ Applicant hereby petitions for an extension of time in prior application serial no. _____ and encloses the fee of: **\$.00**

Small Entity

- ☐ One month \$ 55.00
☐ Two months \$195.00
☐ Three months \$445.00
☐ Four months \$695.00

Large Entity

- ☐ One month \$110.00
☐ Two months \$390.00
☐ Three months \$890.00
☐ Four months \$1,390.00

10. The filing fee has been calculated as shown below:

	Number of Claims originally filed or remaining after Amendment	Minus	Basic number of claims given by the PTO	Present Extra	Small Entity Rate Fee	OR	Other than a Small Entity Rate Fee
Basic Filing Fee					\$ 355		\$710
Total Claims	22	-	20	2	x 9 = \$0		x 18 = \$ 36
Indep Claims	4	=	3	1	x 40 = \$40		x 80 = \$ 80
<input type="checkbox"/> Multiple Dependent Claim Presented and Fee not Previously Paid					+135 = \$		+270 = \$-0-
TOTAL					\$ -0-		\$ 826.00

- ☒ An amendment canceling extra claims is enclosed.
☐ An amendment deleting multiple-dependencies is enclosed.
☐ The fee for extra claims is not being paid at this time.

Total Filing Fee:

\$ 826.00

11. **Small Entity Statement(s)**

- ☐ Enclosed is a Small Entity Affidavit.
- ☐ Status as a small entity was claimed in prior application, serial no. _____
 filed on _____, from which benefit is being claimed for this
 application under 35 U.S.C. § ☐ 119(e); ☒ 120; ☐ 121, or ☐ 365(c) and
 which status as a small entity is still proper and desired.

Total Other Fees: \$ -0-

TOTAL FEES: \$ 826.00

- ☒ A check including the amount of the above indicated TOTAL FEES is attached.
- ☐ Please charge Deposit Account No. 03-1600 in the amount of \$ ____.
- ☐ A check in the amount of \$__ is attached.
- ☐ No fee is required.
- ☐ Conditional Petition for Extension of Time:
 An extension of time is requested to provide for timely filing if an extension of time is
 still required after all papers filed with this transmittal have been considered.
- ☒ The Commissioner is hereby authorized to charge any underpayment of the following
 fees associated with this communication, including any necessary fees for extension of
 time, or credit any overpayment to Deposit Account No. 06-1300: A-66417-1/AJT
- ☒ Any filing fees under 37 CFR 1.16 including fees for the presentation of extra
 claims, other than large entity fees which, if paid, will be paid in response to a
 Notice of Missing Parts.
- ☐ Any patent application processing fees under 37 CFR 1.17.
- ☒ I hereby verify that the attached papers are a true duplicate of prior application Serial No.
09/212,002 as originally filed on December 14, 1998.
- ☒ Address all future communication to: Maria S. Swiatek of Flehr Hohbach Test Albritton
 & Herbert LLP

Respectfully submitted,

Date

4/03/01

Aldo J. Test/
 Reg. No. 18,048

Flehr Hohbach Test Albritton & Herbert LLP
 Four Embarcadero Center, Suite 3400
 San Francisco, CA 94111-4187
 Telephone: (650) 494-8700
 Facsimile: (650) 494-8771

1024343